

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE BALIGA, derivatively on behalf of
LINK MOTION INC. (F/K/A NQ MOBILE
INC.),

Plaintiff,

vs.

LINK MOTION INC. (F/K/A NQ MOBILE
INC.), VINCENT WENYONG SHI, JIA
LIAN, and XIAO YU,

Defendants,

and

LINK MOTION INC. (F/K/A NQ MOBILE
INC.),

Nominal Defendant.

Case No.: 1:18-cv-11642-VM

**STIPULATION OF NON-OPPOSITION
TO A PRELIMINARY INJUNCTION AND
CONSENT ORDER TO EXTEND TIME
TO ANSWER, MOVE, OR OTHERWISE
RESPOND TO THE COMPLAINT**

This matter having been brought before the Court on the joint application of Defendant Link Motion Inc. (f/k/a NQ Mobile Inc.) (“Link Motion” or “Defendant”), by its counsel, DLA Piper LLP (US), and Plaintiff Wayne Baliga, derivatively on behalf of Link Motion (“Plaintiff”), by his counsel The Seiden Group, for the entry of a Stipulation of Non-Opposition to a Preliminary Injunction and Consent Order to extend the time for Defendant to answer, move or otherwise respond to the Complaint filed on December 13, 2018:

WHEREAS, on December 13, 2018, Plaintiff filed a Verified Shareholder Derivative Complaint against Link Motion, and Vincent Wenyong Shi, Jia Lian, and Xiao Yu (“Individual Defendants”) which asserted a cause of action against Link Motion for the appointment of a receiver, a cause of action against the Individual Defendants for breach of fiduciary duties, a

cause of action against the Individual Defendants for unjust enrichment, and causes of action against Link Motion and the Individual Defendants for violations of Sections 10(b) and Section 20(a) of the Exchange Act and Rule 10b-5;

WHEREAS, on December 14, 2018, Plaintiff filed an Order to Show Cause with Temporary Restraining Order (“TRO”), Preliminary Injunction, and Temporary Receiver;

WHEREAS, on December 14, 2018, the Court granted a fourteen (14) day TRO temporarily restraining and enjoining Defendants from transferring, liquidating, dissipating, assigning, and/or granting a lien or security interest or other interest in, any assets belonging to Link Motion, but not restraining Link Motion from processing normal day-to-day operational costs, including but not limited to payroll, attorneys’ fees, and auditor fees, and further ordered the parties to confer and submit a joint letter on whether Link Motion consented to an order beyond the initial fourteen (14) day period and to set forth a briefing schedule with respect to Defendants’ opposition and Plaintiff’s reply in further support of Plaintiff’s request for a preliminary injunction and appointment of a temporary receiver (the “Preliminary Injunction”);

WHEREAS, on December 21, 2018, the Parties wrote the Court informing it that Link Motion consented to extending the TRO beyond the initial fourteen (14) day period pending this Court’s ruling on Plaintiff’s Preliminary Injunction, but the parties could not agree on a proposed briefing schedule;

WHEREAS, on December 27, 2018, the Honorable Vernon S. Broderick ordered Link Motion to file its opposition by January 21, 2018, and Plaintiff to file its reply by January 28, 2019;

WHEREAS, on December 20, 2018, Plaintiff filed an affidavit of service stating that Link

Motion had been served on that date through service on Diana Arios-Hernandez, and it's time to answer, move or otherwise respond to the Complaint was January 10, 2019;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS, SUBJECT TO APPROVAL BY THE COURT:

1. Defendant Link Motion does not oppose the Preliminary Injunction.
2. Defendant Link Motion's time to move, answer, or otherwise respond to the Complaint shall be extended until February 20, 2019.
3. By entering into this stipulation, Link Motion contends that it is making only a limited, and not general appearance, for the sole purpose of obtaining an extension of time to answer, move or otherwise respond to the Complaint. Link Motion has preserved and is not waiving and have not waived any objections, defenses or responses to the Complaint.

DATED: January 21, 2019

Respectfully Submitted,

THE SEIDEN GROUP

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Counsel for Plaintiff Wayne Baliga

SO ORDERED:

Dated: January ____, 2019

DLA PIPER LLP (US)

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UNITED STATES DISTRICT JUDGE